

DIVISION I

ARKANSAS COURT OF APPEALS
NOT DESIGNATED FOR PUBLICATION
KAREN R. BAKER, Judge

CA06-454

NOVEMBER 8, 2006

CARL L. WALDEN

APPELLANT

v.

CENTRAL UTILITY PIPELINE; and ST.
PAUL TRAVELERS

APPELLEES

A P P E A L F R O M T H E
W O R K E R S ' C O M P E N S A T I O N
C O M M I S S I O N
[F411620]

AFFIRMED

Appellant Carl Walden was seventy-four years old at the time of his injury and had worked in construction all of his working life. He had been employed by appellee employer for approximately nineteen years as a working superintendent when he received an admittedly compensable cervical injury on April 14, 2004, when he was rear ended in a motor vehicle accident. Appellant ultimately underwent a cervical infusion at C5-6 and C6-7 and was assigned a twenty-percent permanent anatomical impairment rating. In addition to the permanent impairment rating, appellant also sought wage loss disability benefits in excess of the permanent anatomical rating. He appeals the Workers' Compensation Commission's decision setting the wage loss disability benefits at twenty percent. We find no error and affirm.

Questions concerning the credibility of witnesses and the weight to be given to their testimony are within the exclusive province of the Commission. *Ark. Dep't of Health v. Williams*, 43 Ark. App. 169, 863 S.W.2d 583 (1993). In reviewing decisions from the Workers' Compensation Commission, we view the evidence and all reasonable inferences deducible therefrom in the light

most favorable to the Commission's findings, and we affirm if the decision is supported by substantial evidence. *Wal-Mart Stores, Inc. v. Sands*, 80 Ark. App. 51, 91 S.W.3d 93 (2002). Substantial evidence is that which a reasonable person might accept as adequate to support a conclusion. *Olsten Kimberly Quality Care v. Pettey*, 328 Ark. 381, 944 S.W.2d 524 (1997). The question is not whether the evidence would have supported findings contrary to the ones made by the Commission; there may be substantial evidence to support the Commission's decision even though we might have reached a different conclusion if we sat as the trier of fact or heard the case de novo. *CDI Contractors v. McHale*, 41 Ark. App. 57, 848 S.W.2d 941 (1993). We will not reverse the Commission's decision unless we are convinced that fair-minded persons with the same facts before them could not have reached the conclusions arrived at by the Commission. *White v. Georgia-Pacific Corp.*, 339 Ark. 474, 6 S.W.3d 98 (1999).

The only substantial question in this appeal is the sufficiency of the evidence, and the Commission's findings of fact, conclusions of law, and opinion adequately explain the decision. Having determined that the Commission's findings are in fact supported by substantial evidence, we affirm by memorandum opinion. *See In re Memorandum Opinions*, 16 Ark. App. 301, 700 S.W.2d 63 (1985).

Affirmed.

HART and VAUGHT, JJ., agree.